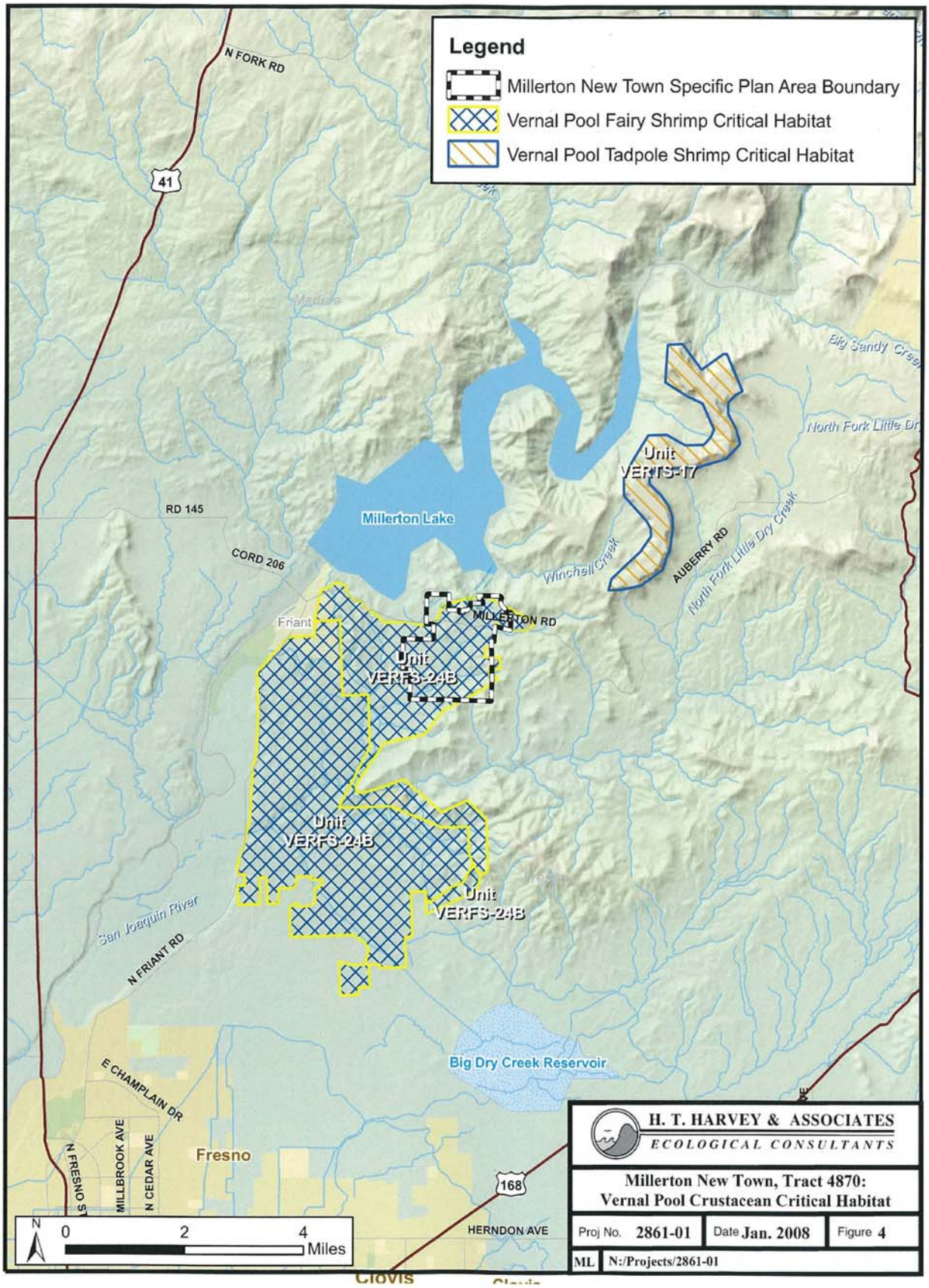

Figure 8 Vernal Pool Crustacean Critical Habitat in Vicinity of Tract 4870

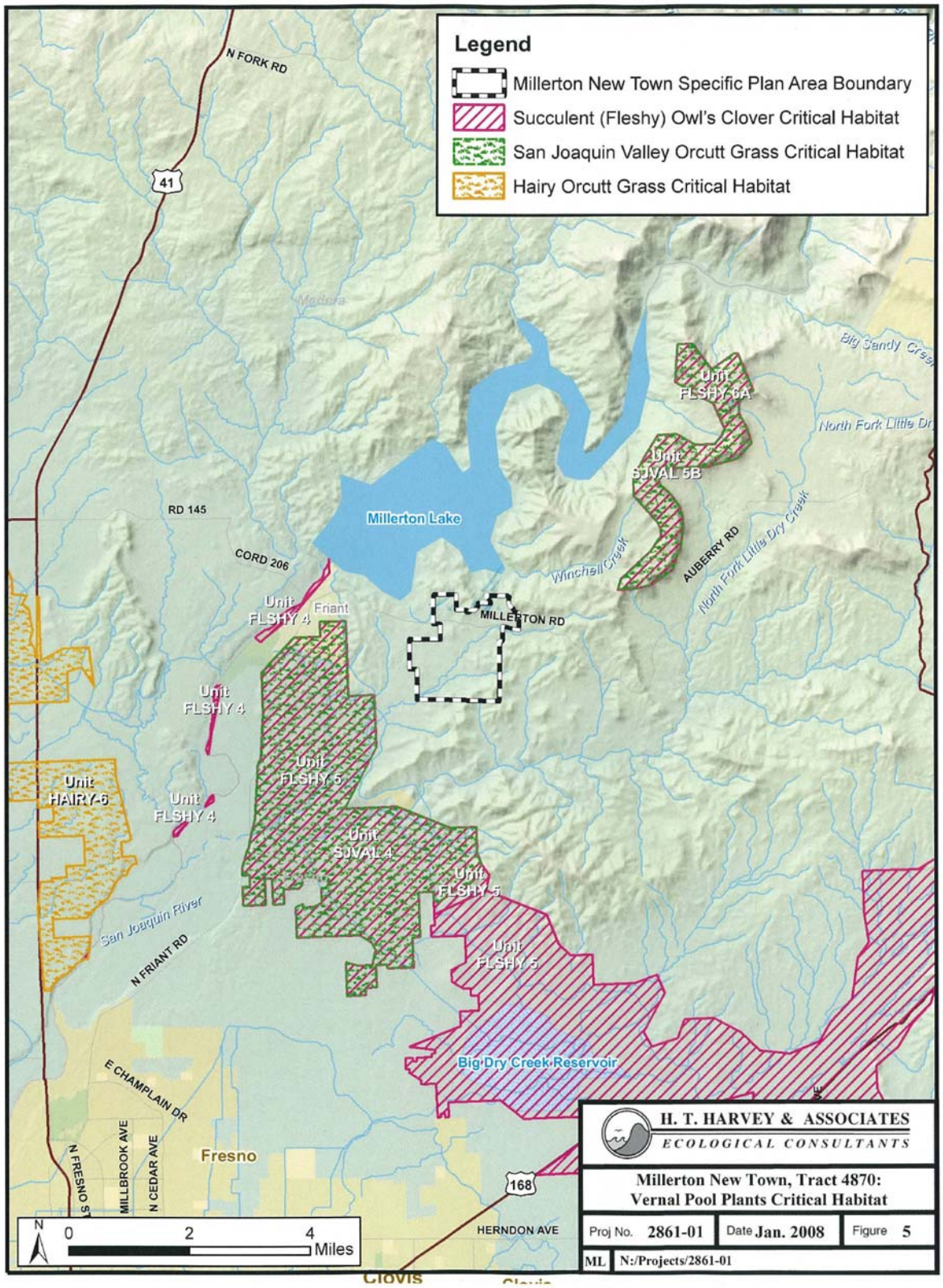

Figure 9 Vernal Pool Plant Critical Habitat in the Vicinity of Tract 4870

The northern pond could support fish although none were observed. A. Ben Ewell, owner of the Clarksfield Corporation and parcel, believes fish are present. The pond also supports bullfrogs (*Rana catesbeiana*).

Spadefoot toads and Western toads could possibly breed in the drainages and stock ponds and aestivate in nearby grasslands. California Tiger Salamanders (CTS) possibly occur in the wetlands of the area. Of the two stock ponds, (neither of which are located in Tract 4870), the northernmost pond reportedly contains fish (species unknown) and may contain bullfrogs. The presence of fish and/or bullfrogs would diminish the likelihood of CTS occurring in the pond due to predation on CTS eggs and larvae. Most of the known populations of CTS in the vicinity are more than a mile away west of Millerton Lake.

It is unknown whether fish or bullfrogs inhabit the southernmost stock pond. This pond is approximately 1 mile from the population of CTS identified by Stebbins in 1997. There is a hill that stands in vertical relief greater than 400 feet with rock outcroppings at its summit between the known population and the southern stock pond. This geographic feature plus the considerable distance constitutes a significant barrier to dispersing CTS. The geographic isolation of this also indicates that the possible loss of CTS in this pond that could result from development would not result in a major loss to regional populations of this species.

The two stock ponds also provide habitat for a variety of waterbirds. Mallards (*Anas platyrhynichos*) and American coots (*Fulica Americana*) were observed on site and would use these ponds throughout the year so long as water is present in the ponds. Winter waterfowl include greenwinged teal (*Anas crecca*), lesser scaup (*Athya affinis*), bufflehead (*Bucephela albeola*) and ruddy duck (*Oxymura jamaicensis*) and others. Shore birds and wading birds that would forage in these ponds could include great egrets (*Ardea albus*), great blue heron (*Ardea Herodias*) and greater yellow-legs (*Tringa melanoleuca*).

San Joaquin Kit Fox

Surveys were conducted for San Joaquin kit fox (SJKF). The MNT site is just outside the range of where SJKF typically roam although the site has suitable habitat for this species. Burrowing owl dens were found that SJKF could use. However, no signs of SJKF were found. A lone possible sighting of a SJKT occurred in 1995 at a location four miles west of MNT. Another sighting occurred 10 miles northeast of Clovis in 1990.

Wetlands and Vernal Pools

Wetlands exist on the site in the form of the several unnamed creeks that do not flow into other streams. White Fox Creek traverses MNT which flows into Little Dry Creek and into the San Joaquin River. Two stock ponds, and two to three vernal pools exist on the MNT lands. One of the pools is adjacent to Millerton Road and has been destroyed as a result of road work. A vernal pool exists over 300 feet west of the first Brighton Crest subdivision. Another vernal pool exists

over 1 mile away from the Millerton North site. No fairy shrimp have been found. Tract 4870 has been completely graded so no vernal pools or wetlands exist on the site currently.

Summary of MNT Open Space and Natural Resource Plan

The MNT project includes an OSNRP. A corridor approximately 100 feet wide would exist on the primary drainage near the northern border of Twin Hills property at White Fox Creek. This corridor would tie in to the open space corridor to be established on the adjoining parcel to the west. The open space corridor on this adjoining parcel would be continuous through the MSP area from south to north and would connect several thousand acres of the Blasingame family with other open space to the north and east of the Table Mountain Rancheria. Some of the open space to the south and north of the MSP Area would be preserved through conservation easements and purchase, in part using monies generated by the impact fees assessed against development of the Specific Plan Area.

The geographic area covered by the Millerton OSNRP is for the MNT Specific Plan area, but this area could be expanded to include the nearby holdings of other private landowners. The plan calls for the collection of impact fees for each residential unit constructed in the area covered by the plan. The fees would be paid to the Sierra Foothill Conservancy for the acquisition of land and protective easements on lands in and around the Millerton area. The Sierra Foothill Conservancy has targeted parcels in McKenzie Table, Big Table, and in the Sierra foothills adjacent to the geologically unique landforms for acquisition or conservation easement. Other targeted areas include lands between Friant Road and the FKC.

A Wetlands and Open Space Mitigation and Monitoring Plan is required to be developed for each project in the Specific Plan Area for review and approval by the CDFG. Each plan would include a representative detail of plants that would be submitted for each area of the White Fox Creek corridor, which runs through the entire project area

3.4.2 Environmental Consequences

No Action

Under the No Action Alternative, water supplies and conditions within the County would not change. No changes in the diversions of water would occur as a result of the No Action Alternative. The County is responsible for meeting water supplies for their customers with or without Reclamation’s approval. It is likely another source of water would be sought to meet the demand. No new construction is foreseen to deliver other sources of water as a result of not approving the inclusion. The No Action Alternative would not result in major changes to habitat types, shelter or foraging opportunities for wildlife.

Proposed Action

These lands provide some habitat and foraging opportunities for wildlife species. These lands and habitat types would change permanently to accommodate the homes and businesses in MNT. The inclusion of Tract 4870 in the County's service area would allow the development. Changes to habitat types that support biological resources have already occurred throughout most of the project area. Other changes would be temporary due to laying of pipe and utilization of access roads. The loss of habitat and impacts to biological resources are permanent.

The proposed change in the service area boundary would not result in additional impacts to biological resources, including federally listed threatened and endangered species and their designated habitats beyond those identified in previous incorporated by reference environmental documents and surveys.

The developer would be responsible for compliance with the terms and conditions of the MNT OSNRP, Mitigation Measures and Monitoring Plan Matrix and Millerton Specific Plan.

Water development has regulated flows; confined the river system with levees; constructed flood bypass structures; drained and cleared riparian floodplains and wetlands for agriculture, gravel mining, and urban uses; and lowered the water table through groundwater pumping. These changes to the river ecosystem have decreased the quantity, diversity, and connectivity of native floodplain habitats along the lower San Joaquin River. These habitat changes have caused a general reduction in wildlife populations and impairment of wildlife movement, and specifically resulted in the extirpation for all anadromous salmonids in the San Joaquin River.

The critical habitat consists of undeveloped lands within these areas. Reclamation has determined that no delivery of CVP water to these lands would be allowed unless and until the landowner can demonstrate compliance with the ESA, including consultation with the FWS, for the critical habitat.

An erosion control plan will be implemented as required by the Mitigation Measures and Monitoring Program Matrix for the MSP Area. Such a plan would also be a required component of a General Construction Permit that must be obtained from the RWQCB, Central Valley Region. The revegetation of exposed slopes would be one component of the erosion control plan. Plant species appropriate for erosion control are native species that quickly become established, and whose roots bind the soil. Species being considered for Tract 4870 (and related infrastructure) include creeping wildrye (*Leymus triticoides*), California brome (*Bromus carinatus*), California fescue (*Festuca californica*), and meadow barley (*Hordeum brachyantherum*).

Cumulative Impacts

Proposed projects in the Friant/Millerton area include residential and commercial development within the Millerton Specific Plan Area south of Millerton Road, residential and industrial development in the Rio Mesa planning area just north of Friant, and improvements to Friant and Millerton Roads that include the construction of additional lands to facilitate higher traffic volumes. Furthermore, additional development may at some future date be proposed for the Millerton Specific Plan Area and adjacent properties south of the existing Brighton Crest residential golf course community. The cumulative impacts to biological resources of these projects, when considered together, may result in the decline of habitat, and species. More than a thousand acres of rangeland and oak woodlands in the Millerton area alone could be converted. An even larger area in Merced County south and west of Millerton Lake has been included in the Rio Mesa Planning Area. Even if small patches of habitat used by special status species in this broad area were protected from development, habitat fragmentation would impact the viability of regional populations. The Millerton Open space and Natural Resource Plan, herein incorporated by reference, was developed to mitigate for these conditions.

In 1988, as a result of the cumulative habitat changes resulting from the diversion of natural stream flows in the upper San Joaquin River, a coalition of environmental groups, led by Natural Resources Defense Council (NRDC), filed a lawsuit against Reclamation (*Natural Resources Defense Council, et al., v. Kirk Rodgers, et al.*). After more than 18 years of litigation, a Stipulation of Settlement (Settlement) was reached and approved in October 2006. The goals of the Settlement are:

> To restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish (Restoration Goal); and
>
> To reduce or avoid adverse water supply impacts to all of the Friant Diversion long-term contractors that may result form the Interim Flows and restoration Flows provided for in the Settlement (Water Management Goal).

The program established to implement the Settlement is called the San Joaquin River Restoration Program. In accordance with the Settlement, Reclamation has committed to restoring the natural ecological functions and hydrologic and geomorphic processes of the San Joaquin River below Friant Dam.

The project proponent entered into a separate settlement agreement with NRDC on November 14, 2006 pertaining to California Water Right Permit No. 11887, which is the permit under which Reclamation appropriates CVP water, in part, for delivery to the County and for use by

MNT and Brighton Crest. As part of the settlement, the project proponent agreed to provide funds to the California Wildlife Foundation (CWF) for the creation of a San Joaquin River Restoration Account. The funds in this account are designated "to support public education and other activities related to the restoration of flows and native fish populations on the San Joaquin River downstream of Friant Dam and the implementation of the Settlement of *NRDC v. Rodgers*, consistent with one or more separate agreements between CWF and NRDC".

Reclamation does not have land use authority. Due to the relationship of the delivered water stemming from the inclusion of new lands which can receive M&I CVP water, Reclamation is informally consulting with the FWS. No permanent loss of habitat types in Tract 4870 would occur for species including SJKF, CTS, Peregrine falcons, vernal pool fairy shrimp, whether or not these species have been observed although these species may be in MNT overall. The site does not provide suitable habitat for blunt-nosed leopard lizards or San Joaquin Valley elderberry long-horn beetles. The impacts to biological resources as a result of the development would be minimized through the collection of fees to purchase conservation easements or open space lands; implementation of mitigation and avoidance measures by the developer; conducting pre-construction surveys for nesting birds, protection of habitat via a Habitat Conservation Plan and avoidance of wetlands, stock ponds and vernal pools.

The County is responsible for complying with standard measures for erosion control and soil migration to protect water quality for fish and habitat. Compliance with the MSP area would require the establishment of development-free buffers around state and federally protected wetlands. As the design and development plans are refined and finalized, it is possible that some encroachment on Waters of the U.S. could occur. The County or its contractor is responsible for compliance with the Clean Water Act and CDFG Code including obtaining necessary permits. The Final EA and FONSI are contingent upon conclusions and completion of the consultation with the FWS. The Final EA and Finding of No Significant Impact (FONSI) could be finalized before the required permits are obtained.

The proposed service area boundary change and the ensuing development would not impact species under the jurisdiction of the National Oceanic Atmospheric Administration and no consultation is required.

The revegetation of exposed slopes would be one component of the erosion control plan. Plant species appropriate for erosion control are native species that quickly become established, and whose roots bind the soil.

3.5 TRAFFIC AND CIRCULATION

3.5.1 Affected Environment

CSA #34 (MNT) is mainly comprised of grasslands and traffic volume is relatively low. Millerton and Auberry Roads are the only major streets in the vicinity of MNT. Auberry Road is classified as a collector road and has two paved travel lanes and serves as a major link to the mountain communities and recreational areas to the northeast and to the Clovis-Fresno metropolitan area south of MNT. The MNT site has a short section of frontage on Auberry Road. Millerton Road is classified as an arterial road passing through the project site, connecting to Friant Road and Road 206 west of the site and connecting to Auberry Road and State Highway 168 to the east of the site. Winchell Cove Road and Sky Harbor Road are the only two significant local streets in the area. Winchell Cove Road begins within the MNT site and extends to the boat ramp. Winchell Cove Road is proposed to be renamed Marina Drive. Sky Harbor Drive begins at Millerton Road about one mile east of the MNT site and extends northerly to the lakeside residential subdivision of “Sky Harbor”.

The volume of traffic on Millerton Road and Winchell Cove Road is, currently, relatively low and peak use is in the summer. The traffic would increase as MNT is developed. The incorporated by reference DEIR for the MNT Specific Plan and Addendums contain more detailed information of estimated trips per day at full build-out. Rapid build-out is not anticipated. The commercial areas would most likely be delayed until at least 40 percent of the residential units have been built and occupied. The 1984 DEIR projected that the widening of Millerton Road would not be necessary to accommodate the traffic for MNT. It is anticipated a traffic signal would be warranted at the intersection of Millerton Road and Winchell Cove Road at approximately 70 percent build-out. The MNT project contemplates extending and widening Winchell Cove Road, as well as, relocating portions of the road. Left turn and right turn lanes would be needed on both Millerton Road and Winchell Cove Road.

3.5.2 Environmental Consequences

No Action

The No Action Alternative would not result in any changes in traffic volume in MNT. The No Action alternative could delay the full build-out in MNT and increases in traffic volume would be less than the amount planned for in the County Plan and MNT Specific Plan. Commute times would remain similar to current conditions.

Proposed Action

The Proposed Action would provide water for the full build-out of Tract 4870 and traffic volume on Millerton and Winchell Cove Roads would increase. The Proposed Action does not result in additional traffic beyond the volume analyzed in the incorporated by reference EIRs. MNT and the County of Fresno are responsible for implementing the measures in the EIRs to accommodate the increase in traffic.

Cumulative Impacts

It is anticipated that the community of Friant will grow and the "Sky Harbor" subdivision to be developed. Additionally, other housing developments are beginning to build in the vicinity as well as expansion of Table Mountain's facilities. The Clovis and Fresno metropolitan area is likely to continue to grow. This growth would increase traffic volume and increase commute times. Over time, roads would likely need to be widened and traffic lights installed to accommodate the traffic and improve circulation. Measures could be implemented to encourage car pooling and synchronizing traffic lights in metropolitan areas to improve the flow of traffic.

3.6 AIR QUALITY

3.6.1 Affected Environment

The air quality in the San Joaquin Valley exceeds limits from the San Joaquin Valley Air Pollution Control District (SJVAPCD). The U.S.Environmental Protection Agency (EPA) and the California Air Resources Board have identified over 800 substances that are emitted into the air that may affect human health. Some of these substances are considered to be carcinogens (cancer-causing), while others are known to have other adverse health effects. As part of ongoing efforts to identify and assess potential health risks to the public, the SJVAPCD has collected and compiled air toxics emissions data from industrial and commercial sources of air pollution throughout the Valley. The State has developed similar inventories for mobile sources of air pollution. These SJVAPCD and State inventories have been combined into the California Toxics Inventory (CTI), which provides emissions estimates for hazardous air pollutants of concern from all sources. A summary of the CTI data for key pollutants is given in Table 2 below.

Table 2 - San Joaquin Valley Hazardous Air Pollutant Emissions
Pollutant Emissions (tons per year)

Diesel Particulate Matter	4,124
Formaldehyde	3,517
Benzene	1,879
Acetaldehyde	1,139
1,3-Butadiene	446
Perchloroethylene	571
Acrolein	563
Methylene Chloride	437
PAHs	418

Toxic Air Contaminants are emitted from mobile sources (i.e., cars, trucks, buses, tractors, etc), which are primarily regulated by California and EPA; area sources (i.e., consumer products, dry cleaners), which are regulated by the State, EPA, and the SJVAPCD; and from stationary sources, which are primarily regulated by the SJVAPCD. Air pollution emanates from mobile and stationary source emissions of hazardous air pollutants in the San Joaquin Valley. Approximately 60 percent of hazardous air pollutant emissions are from mobile sources.

The stationary source information included in the CTI is provided by facility operators and/or districts pursuant to the Air Toxics "Hot Spots" Act of 1987 (AB 2588), and from aggregated point source estimates by the Air Resources Board and/or districts. Area wide sources are those that do not have specific locations and are spread out over large areas such as paved or unpaved roads and consumer products. Mobile sources consist of on-road vehicles such as passenger cars and trucks, motorcycles, busses, and heavy-duty trucks and other mobile. Other mobile sources include but are not limited to trains, ships, off-road equipments, off-road motorcycles, and boats. Natural sources in this inventory contain information for wildfires and petroleum seeps.

3.6.2 Environmental Consequences

No Action

No change to existing conditions would be anticipated under the No Action Alternative. Air quality would remain at current levels.

Proposed Action

The Proposed Action would be the inclusion of Tract 4870 into the County's CVP service area providing water to support the planned development that would increase emissions and impact air quality. This water would not lead to additional impacts to air quality that have not already

been addressed and mitigated in the incorporated documents. The SJVAPCD concurred with the analysis, methodology and conclusions contained in the Air Quality Impact Assessment submitted by Mr. Ewell, Jr. for the MNT Specific Plan. The numerous air quality mitigation measures incorporated into the Air Quality Impact Assessment are supported by the SJVAPCD. The MNT Specific Plan Air Quality Impact Assessment, 2001 assessments, and Brighton Crest Residential Development Air Quality Assessment, dated January 14, 2004 including all mitigation measures in these assessments are incorporated by reference

Cumulative Impacts

According to the County General Plan additional residential communities are planned in the vicinity. The County has also adopted the Friant Community Plan which contains land use proposals for this unincorporated community. According to the Friant Community Plan, the population in Friant is expected to grow. It is anticipated land use changes would occur in the vicinity and throughout the San Joaquin Valley and surrounding foothills as planned. The increase in population contributes to the traffic and degradation of air quality.

The Proposed Action contributes to the cumulative changes in air quality when added to other development projects in the County and in the San Joaquin Valley. However, the inclusion does not trigger other developments or communities. Economic factors are enticing landowners to sell their lands to developers. This trend is expected to continue since home prices in the San Joaquin Valley are typically lower compared to mountain and coastal communities. Reclamation does not have land use authority. LAFCO, cities and counties are responsible for planning for growth and land use changes. Service area boundary changes do not typically provide incentives for additional communities or increase in population and associated air quality impacts. Service area boundary changes are proposed to redistribute existing water supplies in response to changing economic and environmental conditions. These conditions are beyond the control of Reclamation.

The recent court decision to release water down the San Joaquin River could result in less water supplies for the town of Friant. Development in the area could be delayed and less degradation to the air quality would occur until another source of water is found to make up for the loss.

3.7 Cultural Resources

3.7.1 Affected Environment

Cultural Resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The San Joaquin Valley is rich in historical and pre-historic cultural resources. Cultural resources in this area are generally prehistoric in nature and include remnants of native human populations that existed before European settlement. Prior to the 18th Century, many Native American tribes inhabited the Central Valley. It is possible that many

cultural resources lie undiscovered across the valley. The San Joaquin Valley supported extensive populations of Native Americans, principally the Northern Valley Yokuts, in the prehistoric period. Cultural studies in the San Joaquin Valley have been limited. The conversion of land and intensive farming practices over the last century has probably destroyed many Native American cultural sites (Reclamation 2006).

According to the incorporated by reference EIR for MNT, The area has been affected by no less than three indigenous peoples; Yokuts, Western Mono, and Miwok; although the impact of the Miwok may be considered indirect. The Yokuts have been the most influential and individuals, mainly Chukchansi (Yokuts) occupy the Table Mountain Rancheria, which is on the northeastern rim approximately one mile from the survey area.

Cultural resources is a term used to describe both 'archaeological sites' depicting evidence of past human use of the landscape and the 'built environment' which is represented in structures such as dams, roadways, and buildings. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation which outlines the Federal Government's responsibility to cultural resources. Other applicable cultural resources laws and regulations that could apply include, but are not limited to, the Native American Graves Protection and Repatriation Act, and the Archaeological Resources Protection Act. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking listed on cultural resources on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking would have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking would have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

The CVP is being evaluated for the National Register. Facilities include the Friant Dam and the FKC.

MNT is within the Friant quadrangle in portions of Sections 10, 11, 12, 15 and 16, all in Township 11 South, Range 21 East. Several studies have been conducted in the vicinity of MNT. There are 36 prehistoric sites that have not been evaluated, five historic sites, one site that is not eligible for listing on the National Register within CSA #34. (Reclamation 2001*)*

A Phase 1 Archeological Survey for MNT – Tract 4870 dated April 12, 2008, was completed by John Brady. No archeological sites were found in Tract 4870 or the associated infrastructure areas.

3.7.2 Environmental Consequences

No Action

The No Action Alternative would not result in a change in the M&I service area boundary for the County and would not support new homes or major changes within the APE cultural resources.

Proposed Action

The Proposed Action allows the inclusion of Tract 4870 and the application of CVP water onto this tract. This would allow the construction of new homes and businesses to proceed as planned. Determination as to the impacts of the inclusion on cultural resources will be complete prior to the finalization of this EA. Reclamation will consult with SHPO on this action to seek concurrence on Reclamation's findings as to the effect that the undertaking would have on historic properties.

Archeological sites have been recorded within the MNT boundaries. According to the MNT EIR and Archaeological Mitigation of Cultural Resources, most of the cultural resources known to occur in the project area would have a degree of protection due to their proximity to water courses. No archeological sites were found to be within the APE of the project. If any subsurface resources are discovered, Reclamation's archaeologists would be immediately notified for evaluation and compliance with 36 CFR Part 800.

A letter explaining the action has been sent to Indian tribes in the vicinity, including the Native American Heritage Commission.

Cumulative Impacts

The Proposed Action would not likely contribute to changes or cumulative impacts to cultural resources. Other development projects are occurring in the County and San Joaquin Valley due to economical factors. Deliveries of CVP water to any of these new developments are separate actions with separate utility and require separate environmental review. If historical properties are affected in new development areas requiring CVP water, Reclamation would consult with the appropriate SHPO and Native American representatives.

3.8 Indian Trust Assets

3.8.1 Affected Environment

Indian trust assets (ITAs) are legal interests in assets that are held in trust by the U.S. Government for federally recognized Indian tribes or individual Indians. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. ITAs cannot be sold, leased or otherwise alienated without United States' approval. ITAs may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITAs may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITAs reserved by Indian tribes, or individual Indians by treaty, statute, or Executive Order.

There are no Indian Trust Assets within CSA #34. The nearest ITA is the Table Mountain Rancheria located approximately 1 mile from CSA #34.

3.8.2 Environmental Consequences

No Action

Historical diversions and water deliveries would continue as in the past. Since conditions would remain the same as exiting conditions no impacts to Indian Trust Resources would occur.

Proposed Action

Similar to the No Action Alternative, there are no tribes possessing legal property interests held in trust by the United States in the water involved with this inclusion nor is there an Indian property interest in the lands designated to be included, therefore ITAs are not affected by this action.

Cumulative Impacts

Since neither of the alternatives would have any impacts to ITAs, there would be no cumulative impacts.

3.9 Socioeconomic Resources

3.9.1 Affected Environment

The human population in the southern San Joaquin Valley increased substantially in the 1980's, led by 50 to 60 percent growth in the Fresno, Bakersfield and Visalia-Tulare urban areas. This trend is expected to continue and the region's population is projected to more than double over the next 30 years. Most of the future growth within the southern San Joaquin Valley is expected in Fresno, the Visalia-Tulare area and Bakersfield. Between 1996 and 1998, the counties of Fresno, Kern, Tulare and Kings were in the top seven urbanizing counties within California and the top eight with the most irrigated farmland converted to urban land during the same period (Census Bureau 2000).

The socio-economical conditions in the San Joaquin Valley are described in more detail in the incorporated by reference documents. In summary, the agricultural industry significantly contributes to the economic vitality of the San Joaquin Valley. One in three jobs is related to the agricultural industry.

There were 891,756 people and 299,602 households residing in the County as of the 2006 census. Median household income in the county was $ 36,930 (2004). The per capita income was $22,796 (2005). Approximately 12.1 percent (2004) of the population were below the poverty level (Census Bureau 2006).

3.9.2 Environmental Consequences

No Action

Under the No Action Alternative, no long-term or major changes in socio-economical conditions would occur within the County. Without the inclusion, the MNT development could be stunted and the General Plan objectives would be difficult to meet if a firm supply of water could not be acquired. Land values would fluctuate commensurate to growth and economical conditions of the housing market.

Proposed Action

Under the Proposed Action, the 20-year water supply would be used to meet the County's General Plan and Specific Plan objectives of promoting economic development, stimulating job growth and creating affordable housing. The lands within MNT are currently grasslands that were historically grazed. Grazing ceased when the Titus lands were sold in the 1970s. No agricultural lands would be going out of production.

CSA #34 is mainly a public service district that provides M&I water, among other services to its customers. CSA #34 was formed to serve the MNT development. It is anticipated the MNT

development would entice mainly retired persons. MNT would increase land values and provide additional money for MNT and the County through taxes.

Cumulative Impacts

According to the County General Plan additional residential communities are planned in the vicinity. The County has also adopted the Friant Community Plan which contains land use proposals for this unincorporated community. According to the Friant Community Plan, the population in Friant is expected to grow. It is anticipated land use changes would occur in the vicinity as planned. The Proposed Action does not lead to additional developments beyond those already in the County General Plan and Specific Plans. If the County changes the General Plan to allow new developments, this condition would be the result of economical conditions and not caused by the proposed transfer. The Proposed Action contributes to the cumulative growth and increases the need for services. The new residences would pay taxes to provide the services. The Proposed Action when added to other development projects in the County and in the San Joaquin Valley contributes to the stimulation of the economy.

Economic factors are driving farmers out of business and enticing them to sell their lands to developers. This trend is expected to continue since home prices in the San Joaquin Valley are typically lower compared to mountain and coastal communities. Reclamation does not have land use authority. LAFCO, cities and counties are responsible for planning for growth and land use changes. The new taxes generated by the new landowners would offset the need for more services and could be used to implement measures to remediate for environmental issues such as protection of fish and wildlife, air quality, and traffic issues.

The County and LAFCO approved MNT based on water supplies provided under the County's CVP water service contracts. Over time, CVP water supplies have been reduced to meet environmental objectives and pumping constraints in the Delta. Inclusions are usually proposed to redistribute existing water supplies in response to changing economic and environmental conditions which result in cumulative changes in land uses. These conditions are beyond the control of Reclamation. The construction phases of MNT could provide temporary jobs and stimulate the local economy.

The recent court decision to release more water down the San Joaquin River could reduce the availability of CVP water for transfers and exchanges including the proposed transfer. Water prices would likely increase causing food prices to climb higher.

3.10 Environmental Justice

3.10.1 Affected Environment

Executive Order 12898, dated February 11, 1994, requires Federal agencies to ensure that their actions do not disproportionately impact minority and disadvantaged populations. Many agricultural jobs require unskilled labor and the pay tends to be low. The employment opportunities for agricultural jobs draw low income and minority populations. The farm workers reside in surrounding communities.

The MNT area is not agricultural and does not support disadvantaged populations. MNT is anticipated to entice retired persons. CSA #34 does not propose to construct a dump, wastewater or water treatment facilities near disadvantaged populations.

3.10.2 Environmental Consequences

No Action

Landscaping and gardening jobs are typically filled by minority population groups. It is likely the County would find another source of water to meet its customer's demands. If finding alternative surface and groundwater resources are not feasible, employment opportunities and conditions for low income or disadvantaged populations could be reduced.

Proposed Action

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. Employment opportunities for low-income wage earners and minority population groups would be within historical conditions. Disadvantaged populations would not be subject to disproportionate impacts.

It is anticipated MNT would entice retired persons. The Proposed Action does not increase or decrease housing opportunities for disadvantaged populations.

Cumulative Impacts

As a result of population growth, as well as, environmental and economic pressures, traditional jobs in agriculture for low income and disadvantaged populations are decreasing. Farmers are selling their lands to developers. In response to these changes, water service actions are proposed to meet the demands. In most cases, existing water supplies are redistributed from the areas no longer irrigated for agricultural purposes to support urban areas. The Proposed Action is an example of balancing demands with available water supplies. The water supply for this action is not currently utilized by agriculture and the previous land use, grazing, did not generate many jobs for low income or disadvantaged populations. The Proposed Action does not result in adverse conditions for low income or disadvantaged populations.

Section 4 Consultation and Coordination

4.1 Fish and Wildlife Coordination Act (16 USC . 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The implementation of the CVPIA, of which this action is a part, has been jointly analyzed by Reclamation and the FWS and is being jointly implemented. The Proposed Action does not involve water development construction projects. Therefore the FWCA does not apply.

4.2 Endangered Species Act (16 USC . 1521 et seq.)

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

The proposed change in the service area boundary would not result in additional impacts to biological resources, including federally listed threatened and endangered species and their designated habitats beyond those identified in previous incorporated by reference environmental documents and surveys.

The developer would be responsible for compliance with the terms and conditions of the MNT OSNRP, Mitigation Measures and Monitoring Plan Matrix and Millerton Specific Plan.
The developer is working out the appropriate mitigation with the FWS, a biological assessment has been submitted and Reclamation expects to receive a Biological Opinion (BO). The EA will not be finalized until the BO has been received and consultation is complete.

4.3 National Historic Preservation Act (15 USC 470 et seq.)

Section 106 of the National Historic Preservation Act requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. The Proposed Action allows the inclusion of Tract 4870 and the application of CVP water onto this tract. This would allow the construction of new homes and businesses to proceed as planned. Determination as to the impacts of the inclusion on cultural resources will be complete prior to the finalization of this EA. Reclamation will consult with SHPO on this action to seek concurrence on Reclamation's findings as to the effect that the undertaking would have on historic properties.

4.4 Migratory Bird Treaty Act (16 USC Sec. 703 et seq.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg would be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

The Proposed Action would have no effect on birds protected by the Migratory Bird Treaty Act.

4.5 Executive Order 11988 – Floodplain Management and Executive Order 11990-Protection of Wetlands

Executive Order 11988 requires federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Proposed Action would not affect either concern.

Section 5 List of Preparers and Reviewers

Judi Tapia, Natural Resource Specialist, Reclamation
Ned Gruenhagen, Wildlife Biologist, Reclamation
Patti Clinton, Natural Resource Specialist, Reclamation
Sheryl Carter, Repayment Specialist, Reclamation

Section 6 References

Reclamation 2001 January 19, 2001 A Finding of No Significant Impact and final EA, Cross Valley Unit Long Term Contract Renewal

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 11887 (Application 5638)

Regarding Petition for Change of Place of Use of Friant Project by

United States Bureau of Reclamation

ORDER APPROVING CHANGE OF PLACE OF USE

WHEREAS[1]:

1.0 INTRODUCTION

On May 18, 2005, the United States Bureau of Reclamation (USBR) filed two petitions for change of its water right Permit 11887, issued on Application 5638. In Petition 1, USBR sought to expand the place of use under Permit 11887 by adding approximately 2,170 acres encompassing the communities of Sky Harbour, Hidden Lakes Estates, Brighton Crest, and Millerton New Town. In Petition 2, USBR sought to expand the place of use under Permit 11887 by adding approximately 540 acres to serve the Table Mountain Rancheria. USBR withdrew Petition 2 by letter dated January 6, 2006.

This Order approves the changes requested in Petition 1, subject to terms and conditions.

2.0 BACKGROUND

USBR holds three water right permits and one water right license under which it appropriates water for the Friant Project at Friant Dam on the San Joaquin River. Friant Dam forms Millerton Lake. USBR delivers water from Millerton Lake to its contractors north through the Madera Canal and south through the Friant-Kern Canal. USBR also releases some water downstream into the San Joaquin River to satisfy senior water right holders.

Only one of the USBR's three Friant Project water right permits, Permit 11887, authorizes municipal use of water. In 1959, the USBR petitioned to change the place of use of all of its Friant Project permits and its license, to add an area around Millerton Lake. The predecessor of the State Water Board approved the petition for the license and the two permits that do not authorize municipal use, but did not approve the change of place of use for Permit 11887. It is not clear why the place of use of Permit 11887 was not changed, and it appears that the USBR was not aware until a few years ago that the place of use of Permit 11887 had not been changed.

For many years, the USBR has provided Friant Project water to contractors who in turn deliver water to the subdivisions of Brighton Crest, Sky Harbour, and Hidden Lakes Estates, all of which are near Millerton Lake. In addition, the County of Fresno has approved a subdivision called Millerton New Town in the area. Together, the four subdivisions encompass 2170 acres. Millerton New Town alone accounts for 1438 acres. These subdivisions receive water directly from Millerton Lake.

[1] The State Water Board has delegated to the Chief, Division of Water Rights, authority to act on change petitions when no hearing is held. (State Water Board Resolution No. 2002-0106, Attachment ¶ 2.6.5.) Prior to filing a petition for writ of mandate, any party aggrieved by this order must exhaust its administrative remedies by filing a petition for reconsideration before the State Water Board. (Wat. Code, § 1126(b).)

The four subdivisions receive water under two types of arrangements. Madera County serves Hidden Lakes Estates under its existing Class 1 Friant Project contract. Fresno County, however, is a contractor for water from the USBR's appropriations that are diverted through the Sacramento-San Joaquin Delta (Delta). Fresno County's contract for Delta water provides for up to 3,000 acre-feet of water for municipal purposes. Fresno County exchanges its Delta water supplies with Friant Project water contractors in the Cross Valley Canal area, and then delivers Friant Project water to Sky Harbour, Brighton Crest, and Millerton New Town from Millerton Lake. Fresno County has reserved up to 1,520 acre-feet per year of its Delta water supply for Millerton New Town and Brighton Crest. Additionally, Fresno County has contracted for up to 700 acre-feet per year of water from sources other than USBR for Millerton New Town and Brighton Crest. Fresno County also has a pending agreement for an additional 70 acre-feet per year from these sources.

By letter dated November 14, 2005, the USBR amended Petition 1. Under the amended petition, the USBR will deliver water to the three subdivisions served by Fresno County only if Fresno County has an exchange agreement with a USBR contractor who otherwise could receive Friant Project water through the Friant-Kern Canal. Under such an exchange, Fresno County would take Friant Project water and the Friant contractor would take Delta water instead of taking Friant Project water. Under the amended petition, the USBR would not divert water from the San Joaquin River in excess of the historical diversions, and would not increase its Delta pumping, which is limited by the physical and regulatory capacity in the Delta.

3.0 PROTESTS

The State Water Board received twenty-one protests against Petition 1. Most of the protests complain about the underlying Friant Project, not about the potential or likely effects of the proposed change. A protest that does not explain why the proposed change itself will cause an adverse effect may be cancelled. Further, a protest that is not supported by the information specified in Water Code section 1703.6 may be cancelled. The State Water Board accepted three protests in 2005 shortly after they were filed and rejected three protests early in 2006. Because the protests generally addressed matters that appeared to be based on the current operations of the Friant Project, not the effects of the change petition, the State Water Board, on February 3, 2006, requested statements of factual support for the protests from the two accepted protestants and from fifteen other protestants. The statements of fact were due March 6, 2006. Under Water Code section 1703.6, subdivision (a), the State Water Board may cancel a protest or petition for failure to provide requested information within the period provided. None of the three accepted protestants responded to the request for a statement of facts, and nine of the other protestants did not respond to the request for a statement of facts. As authorized under Water Code section 1703.6, subdivision (a), the protests for which the State Water Board received no response have been cancelled. Due to negotiations between the project proponents and the protestants, four protests were withdrawn under protest dismissal agreements. The remaining protestants were Madera Irrigation District and Laughing Coyote.

Laughing Coyote sent a letter purportedly responding to the request for a statement of facts, but did not provide the requested additional information. Instead, Laughing Coyote asked a number of questions about the operation of Friant Dam which should have been directed to the USBR. The Division of Water Rights responded to the questions to the extent the Division was able to respond, referred Laughing Coyote to the USBR for additional information, and cancelled Laughing Coyote's protest.

Madera Irrigation District (MID) protested on the basis that it could be injured through reductions in its contractual water supply from the USBR as a result of deliveries of Friant Project water to the added place of use. The Division of Water Rights cancelled MID's protest due to lack of a showing that approving the petition will affect the amount of water delivered to MID from the Friant Project.

MID claims to have a vested right to a permanent water supply averaging 172,000 acre-feet per year from the Friant Project, based on a 1939 contract between it and the USBR. Both the USBR and the other contractors for water from the Friant Project responded to MID's allegations, noting that the 1939 contract

was revised in 2001. The responses point out that MID has a contract for Class 1 and Class 2 water[2] and will continue to receive the deliveries to which it is entitled under the contract. They argue that if there are shortages to MID's Class 2 water supply, the shortages will not result from approval of the change petition, and that approval of the change petition will not affect the amount of water delivered to MID. A review of the contracts provided to the State Water Board, including the 2001 contract, supports the argument that only the Class 1 water supply is reliably available to MID every year, and shows no reason why the relatively small deliveries under the change petition would affect the amount of Friant Project water available for MID's use.

The actual deliveries of Friant Project water to MID averaged 130,000 acre-feet per year during the period from 1985 through 2004. This record of deliveries to MID in recent years, together with the commitment of the USBR to require exchange or transfer agreements to eliminate any water supply impact to current users of Friant Project water, supports the argument that factors other than the change petition are having an ongoing impact on MID's receipt of deliveries from the Friant Project and that approving the change petition will not injure any legal user of the water.

4.0 FINDING OF FACT UNDER WATER CODE

Before approving a petition for change under Water Code section 1701, et seq., the State Water Board must find that the change will not operate to the injury of any legal user of the water involved. (Wat. Code, § 1702.) Due to the conditions imposed in this order and the limitations the USBR has imposed on its proposed expansion of the place of use under Permit 11887 discussed above, the proposed change will not injure any legal user of the water involved. Due to the amendment of the petition for change dated November 14, 2005, the USBR, for the purpose of delivering water to the added place of use, will not divert water from the San Joaquin River in excess of the historical diversions, and will not increase its Delta pumping, which is limited by the physical and regulatory capacity of the diversion facilities in the Delta. The USBR will ensure that no legal user of the water is injured by requiring that there be transfer or exchange agreements in place that provide replacement water for any Friant Project water delivered to the added place of use instead of being delivered to other pre-existing uses within the Friant service area.

5.0 ENVIRONMENTAL COMPLIANCE

Under the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000, et seq.), the State Water Board is a Responsible Agency with respect to the Brighton Crest and Millerton New Town projects. Environmental documents under CEQA have been prepared for both of these projects. As a Responsible Agency, the State Water Board is responsible for considering only the effects of those activities involved in a project which the State Water Board is required by law to approve. (Pub. Resources Code, § 21002.1, subd. (d).) The Sky Harbour and Hidden Lakes Estates projects are exempt from CEQA.

5.1 Sky Harbour and Hidden Lakes Estates

Sky Harbour and Hidden Lakes Estates developments received local government approval and their development was completed prior to November 23, 1970. Both of these subdivisions are fully constructed and no expansion of the facilities is anticipated. Therefore, both developments are exempt from CEQA. (*See* Cal. Code of Regs., tit. 14, § 15301.) The State Water Board will file with the State Office of Planning and Research an Existing Facilities Notice of Exemption for these two portions of the proposed expanded place of use

5.2 Brighton Crest Development

Under CEQA, Fresno County is the Lead Agency for preparation of the environmental documentation for the Brighton Crest project. Fresno County approved several environmental documents for compliance

[2] A Class 1 contractual water supply is a firm water supply that the contractor can expect to reliably receive every year. A Class 2 contractual water supply is for supplemental water supplies, and is used primarily for agriculture or for groundwater recharge.

with CEQA. Development of the Brighton Crest project is ongoing. The Brighton Crest developers have

- Fresno County Planning Department, "Draft Environmental Impact Report, Millerton New Town Specific Plan SCH #84051409," dated May 1984.

- Fresno County Planning Department, "Response to Comments, Draft Environmental Impact Report, Millerton New Town Specific Plan SCH #84051409," dated October 5, 1984.

- Fresno County Board of Supervisors, "Addendum to EIR and Resolution Determining that the Environmental Impact Report Previously Prepared for the Millerton Specific Plan is Adequate for the Project; Adopting Facts, Findings, and Overriding Considerations and Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix to Comply with California Environmental Quality Act (CEQA); Adopting Amendments to the Millerton Specific Plan (GPA 455); and Approving Concurrent Amendment Application (AA 3677) and Conditional Use Permit (CUP 2865)," dated April 20, 1999.

- Fresno County Board of Supervisors, "Final Environmental Impact Report for Fresno County General Plan and Economic Development Study as Adopted, Including the Millerton New Town Development and Associated Maps, and Fresno County General Plan Background Update Report, Including Map of Millerton New Town," dated October 3, 2000.

- Fresno County Board of Supervisors, "Addendum to the Final Millerton New Town Environmental Impact Report for the General Plan Amendment No. 489 prepared by Fresno County Public Works and Planning Department Development Services Division," dated November 2004.

- Fresno County Board of Supervisors, "Millerton Site Specific Plan Mitigation Measures and Monitoring Program Matrix," adopted by Fresno County December 2004.

5.4 Fresno County Findings

Fresno County, as Lead Agency, addressed the significant effects of both the Brighton Crest and Millerton New Town projects and found that the changes required in the projects will avoid or substantially lessen the significant effects of the projects related to hydrology, drainage and flooding, energy resources, geology and soils, wastewater disposal, law enforcement, and historical/cultural resources.

Fresno County also found that the positive social and economic factors associated with these projects override each of the identified unavoidable environmental impacts related to land use and zoning, vegetation and wildlife, climate and air quality, noise and traffic and circulation, solid waste management, fire protection and schools.

5.5 State Water Board CEQA Findings

For the purpose of CEQA compliance, the State Water Board, as a Responsible Agency, is limited to review of the environmental effects of adding the Brighton Crest and Millerton New Town developments to the authorized place of use for Permit 11887. The State Water Board's approval is limited to the water right petition to add 2,170 acres to the authorized place of use for Permit 11887. The petition would add the 2,170 acres encompassing the Sky Harbour, Hidden Lakes Estates, Brighton Crest, and Millerton New Town developments to the authorized place of use for the water appropriated by USBR under its water right permit. The approval of this petition for change does not authorize any increase in the amount of water the USBR can appropriate under Permit 11887.

The State Water Board has considered the environmental documents that Fresno County adopted, in compliance with CEQA, for the Brighton Crest and Millerton New Town elements of the petition for change. The State Water Board finds that changes have been required in the projects by the Lead Agency that avoid or substantially lessen the majority of the significant effects of the project. There is no evidence in the record that there are any adverse environmental impacts associated with the State Water Board's approval of the expansion of the authorized place of use for water right Permit 11887. Nevertheless, the State Water Board finds that the changes and mitigation measures required by the

Lead Agency are appropriate and incorporates them herein by reference to the extent that they may address any direct or indirect environmental effects of the State Water Board's approval of adding the Brighton Crest and Millerton New Town elements to the place of use under Permit 11887.

Fresno County identified unavoidable impacts and adopted a statement of overriding considerations. None of the unavoidable impacts for which Fresno County adopted findings of overriding considerations are impacts resulting from the State Water Board's approval as a Responsible Agency of the change of place of use. Nevertheless, the State Water Board finds that, to the extent that this order may not fully mitigate any adverse effects of the State Water Board's actions as a Responsible Agency, the State Water Board finds that overriding considerations of the greater public interest require this action. Authorizing the use of water under Permit 11887 in the added place of use for the benefit of existing and locally approved municipal uses is in the greater public interest, and the environmental, economic, and social benefits of ensuring a reliable water supply to the added place of use outweigh any potential adverse environmental effects that are not avoided or fully mitigated.

5.6 Public Trust Considerations

In addition to its responsibilities under CEQA, the State Water Board must consider the effect of the proposed project on the public trust resources and protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) There is no evidence that the approval of the petition for change, with the inclusion of the State Water Board's standard terms and conditions of approval, will have any adverse impacts on public trust resources.

6.0 CONCLUSIONS

1. The USBR change petition adds 2,170 acres to the place of use for water right Permit 11887. The 2,170 acres added to the place of use include the following subdivisions:

    - Hidden Lakes Estates in Madera County;
    - Sky Harbour in Fresno County;
    - Brighton Crest in Fresno County; and
    - Millerton New Town in Fresno County.

2. The proposed change in place of use will not operate to the injury of any other legal user of the water involved.

3. Approval of part of the added place of use is exempt from CEQA, and there are no unmitigated adverse environmental effects associated with the State Water Board's approval of the addition of the part of the place of use for which the State Water Board is a Responsible Agency.

IT IS ORDERED THAT

The petition for change is approved, subject to the following terms and conditions.

1. A new place of use for municipal uses of water is added, to serve the area designated in Map No. 1785-202-14 on file with the State Water Board.

2. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at permittee's expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revised or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, title 23. The revised or new map(s) shall be furnished upon request of the Chief, Division of Water Rights.

3. Water service to the lands in Fresno County shown on Map No. 1785-202-14 is authorized only for those lands served pursuant to transfer agreements or exchange agreements that ensure that no more water is delivered from the Friant Project to the areas within the place of use under Permit 11887 as a result of this petition than would have been delivered in the absence of this order. This permit does not authorize deliveries of water to these lands until all necessary transfer or exchange agreements are executed and have received the necessary approval from the U.S. Bureau of Reclamation pursuant to the terms and conditions of the Friant Division Central Valley Project water service contracts. Permittee shall provide to the Division of Water Rights copies of any transfer or exchange agreements when Permittee files each Progress Report. Permittee shall maintain records of water delivered to Fresno County from the Friant Project as a result of these agreements and under this approval and shall provide those records to the State Water Board at the request of the State Water Board. Records shall be maintained at least until a license is issued for Permit 11877.

IT IS FURTHER ORDERED THAT Permit 11887 (Application 5638) shall be amended and reissued as set forth below. The following amended and reissued permit contains the above terms and conditions and the terms and conditions that have been added to Permit 11887 from time to time after it was originally issued. The terms and conditions numbered below as 14, 15, 16, 17, 18, 19, D, E, and F were added to this permit in Decision 1641 as modified by Orders WR 2000-02 (Revised Decision 1641, or D-1641)[3], and WR 2001-05; the condition numbered below as 21 is a standard term to which Permit 11887 is subject pursuant to Water Code section 10504.5(a); the terms and conditions numbered below as 20 and 22, and the place of use for municipal use added to term 4 within the area of Map No. 1785-202-14 are the new terms or conditions added to Permit 11887 as terms or conditions resulting from approval of the petition for change.

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[3] Decision 1641 superseded or modified some of the terms and conditions adopted in Decision 1485 (D-1485). D-1485 did not include, and consequently did not modify, the water right permits for the Friant Project. Accordingly, the terms and conditions in D-1641 on pages 148 and 149, numbered as conditions 8, 9, and 10, which amend conditions 6 and 7 of D-1485, are not included in this permit.

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 11887

Application **5638** of **U.S. Bureau of Reclamation**
2800 Cottage Way
Sacramento, CA 95825

filed on **July 30, 1927**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:	Tributary to:
San Joaquin River	**Suisun Bay**

within the Counties of **Madera and Fresno**

2. Location of point of diversion

	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5	**NW¼ of SW¼**	**5**	**11S**	**21E**	**MD**

8

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Municipal	**Map No. 214-212-37 and Map No. 1785-202-14**					
Domestic	**Map No. 214-212-37**					
Irrigation	**900,000 net acres within a gross area of 4,986,000 acres as shown on Map No. 214-212-37**					
Recreational	**Friant Dam NW¼ of SW¼**	5	11S	21E	MD	

The place of use is shown on maps filed with the State Water Board. See Map No. 214-212-37 dated April 10, 1951, revised December 13, 1951, and Map No. 1785-202-14 dated May 11, 2005.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (a) by direct diversion: **5,000 cubic feet per second** from **February 1** to **October 31** of each year, and (b) by storage: **1,210,000** acre-feet per annum to be collected from **November 1** of each year to **August 1** of the succeeding year.

(0000005G)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The total quantity of water to be appropriated by direct diversion under permits issued pursuant to Applications 234, 1465 and 5638 shall not exceed **6,500 cubic feet per second**.

(0000005L)

6. To the extent that permittee shall divert water from San Joaquin River at Friant Dam under rights initiated other than pursuant to Applications 234, 1465 and 5638, the amount of water diverted under permits issued pursuant to said applications shall be reduced by a like amount.

7. Construction work shall be completed on or before December 1, 1985.

8. Complete application of the water to the proposed use shall be made on or before December 1, 1990.

9. From the quantities set forth in permit condition 5 of this permit and permit conditions 1 and 2 of the permits issued pursuant to Applications 234 and 1465 there shall be reserved for a period of three years from June 29, 1959 (date of order issuing Permit 11887), or for such additional time as may be allowed by the State Water Board, 50,000 acre-feet per annum of municipal water for City of Fresno or such additional quantity as may be mutually agreed by permittee and the City; 3,500 acre-feet per annum of Class 1[4] water for Garfield Water District or such additional quantity

[4] Class 1 and Class 2 water referred to in this permit are defined in "Contract between the United States and the Delano-Earlimart Irrigation District Providing for Water Service and for the Construction of a Distribution System", dated August 11, 1951 (USBR 5 in the matter of Applications 234, etc.).

as may be mutually agreed by permittee and the District; and such quantities of Class 2[1] water for Fresno Irrigation District as may be required to provide an average annual supply of 86,000 acre-feet, or such additional quantity as may be mutually agreed by permittee and the District.

(a) Permittee shall provide water to City of Fresno, Garfield Water District and Fresno Irrigation District only after execution of water service contracts with the United States all in conformity with Federal Reclamation Laws, and subject to such provisions as may be imposed by final judgment in Rank v. Krug, No. 685-ND, United States District Court, Southern District of California, Northern Division; and the right to receive water by City of Fresno, Garfield Water District and Fresno Irrigation District shall be co-equal with all entities which heretofore have executed long-term service contracts with the United States for delivery of water.

(b) Permittee and City of Fresno, Garfield Water District and Fresno Irrigation District shall each within six months from June 2, 1959 and each six months thereafter submit to the Board a written report as to the progress of negotiations for water service contract (or contracts). If, at the end of the three years or such additional time as may be allowed by the State Water Board, said contract(s) has (have) not been executed, said Board shall call for further hearing to show cause why said contract(s) has (have) not been executed.

(c) If, after further hearing, the Board concludes that permittee has unreasonably refused to execute such water service contract(s) with the City of Fresno, Garfield Water District or Fresno Irrigation District in the amounts and under the terms set forth in this paragraph, this permit shall be subject to revocation by the Board.

(d) If, after further hearing, the Board concludes that the City of Fresno, Garfield Water District or Fresno Irrigation District has unreasonably refused to execute such water service contract(s) with permittee in accordance with the provisions of this paragraph, the reservation of water provided for in this paragraph shall be subject to termination by the Board insofar as the refusing entity is concerned.

10. Permittee shall maintain daily records of inflow into and outflow from and releases from Millerton Lake, volumes in storage and water surface elevations and shall provide and maintain such measuring facilities as may be necessary for the formulation of said records. Permittee shall make said records of inflow, outflow, releases, volumes in storage and water surface elevations available to the State Water Board and shall allow authorized representatives of said Board access to its project works and properties for the purpose of securing supplemental information.

11. Subject to the existence of long-term water delivery contracts between the United States and public agencies and subject to the compliance with the provisions of said contracts by said public agencies, this permit is further conditioned as follows:

(a) The right to the beneficial use of water for irrigation purposes, except where water is distributed to the general public by a private agency in charge of a public use, shall be appurtenant to the land on which said water shall be applied, subject to continued beneficial use and the right to change the point of diversion, place of use, and purpose of use as provided in Chapter 10 of Part 2 of Division 2 of the Water Code of the State of California and further subject to the right to dispose of a temporary surplus.

(b) The right to the beneficial use of water for irrigation purposes shall, consistent with other terms of this permit, continue in perpetuity.

12. The State Water Board retains continuing jurisdiction for such period as may be necessary for the purpose of conforming this permit with the provisions of the final judgment in Rank v. Krug, No. 685-ND, United States District Court, Southern District of California, Northern Division.

13. Direct diversion at points downstream of Friant Dam is not authorized by this permit.

14. Permittee shall ensure that the water quality objectives for municipal and industrial beneficial uses and agricultural beneficial uses for the western Delta, interior Delta and export area as set forth in Tables 1 and 2 of Decision 1641 (see below) are met on an interim basis, until the Board adopts a further decision assigning responsibility for meeting these objectives. Unless it is renewed pursuant to a further order after notice and an opportunity for hearing, this condition shall expire no later than one year after the Department of Water Resources or the Permittee requests in writing that the State Water Board convene a water right proceeding to determine whether to replace this condition with another condition that meets the objectives in Tables 1 and 2 of Decision 1641. Any extension hearing shall be for the limited purpose of determining whether additional time is necessary, and shall not include consideration of changes in allocation of responsibility. The State Water Board shall expedite any proceeding it conducts to assign long term responsibility to meet the objectives in Tables 1 and 2 of Decision 1641, in an effort to keep the proceeding under two years. This condition does not mandate that the Permittee use water under this permit if it uses other sources of water or other means to meet this condition.

15. Permittee shall ensure that the water quality objectives for Delta outflow and for Sacramento River flow at Rio Vista for fish and wildlife beneficial uses as set forth in Table 3 of Decision 1641 (see below) are met on an interim basis until the Board adopts a further decision assigning responsibility for meeting these objectives. Unless it is renewed pursuant to a further order after notice and an opportunity for hearing, this condition shall expire no later than one year after the Department of Water Resources or the Permittee requests in writing that the State Water Board convene a water right proceeding to determine whether to replace this condition with another condition that meets the objectives in Table 3 of Decision 1641. Any extension hearing shall be for the limited purpose of determining whether additional time is necessary, and shall not include consideration of changes in allocation of responsibility. The State Water Board shall expedite any proceeding it conducts to assign long term responsibility to meet the objectives in Table 3 of Decision 1641, in an effort to keep the proceeding under two years. This condition does not mandate that the Permittee use water under this permit if it uses other sources of water or other means to meet this condition.

16. Permittee shall implement the water quality compliance and baseline monitoring plan set forth in Table 5 of Decision 1641, as it may be amended by the State Water Board, on an interim basis, including construction, maintenance and operation of all necessary devices, until the Board adopts a further decision assigning responsibility for meeting the requirements in Table 5.

17. Permittee shall:

(a) In consultation with the U.S. Fish and Wildlife Service (USFWS), Department of Fish and Game (DFG), San Joaquin River Group Authority (SJRGA), City and County of San Francisco (CCSF), and CVP/SWP Export Interests, prepare a fishery monitoring plan for the Vernalis Adaptive Management Plan (VAMP) experiment consistent with the SJRA and with the findings in Decision 1641. The plan shall specify study objectives, sampling locations, methodology, and sampling periods. The monitoring plan shall be submitted to the Executive Director of the State Water Board for approval within 60 days after the date of Decision 1641.

(b) Conduct the fishery monitoring studies according to the monitoring plan for the duration of the VAMP/SJRA study period, and submit results to the Executive Director of the State Water Board on an annual basis. A monitoring report summarizing the study methodology and results from each year's experiment shall be submitted to the Executive Director of the State Water Board by December 31 of each year. A final report shall be submitted to the Executive Director of the State Water Board no later than eight months following completion of the VAMP experiment.

18. To ensure compliance with the water quality objectives, to identify meaningful changes in any significant water quality parameters potentially related to operation of the SWP or the CVP, and to

reveal trends in ecological changes potentially related to project operations, Permittee shall, independently or in cooperation with other agencies or individuals:

(a) Perform the Water Quality and Baseline Monitoring program described in Table 5 and in Figure 4 of Decision 1641, as it exists or may be amended by the State Water Board.

(b) Conduct ongoing and future monitoring surveys as recommended by the DFG, the USFWS or the National Marine Fisheries Service (NMFS), and acceptable to the Executive Director of the State Water Board concerning food chain relationships, fisheries impacts, or impacts to brackish tidal marshes, as they are affected by operations of the SWP or the CVP in the Delta and Suisun Marsh.

(c) Permittee shall make available to the Board and other interested parties the results of the above monitoring as soon as practicable. Timely posting of this information on the Internet will satisfy this requirement. Permittee shall submit to the Executive Director of the State Water Board by December 1 of each year, annual reports summarizing the previous calendar year's findings and detailing future study plans.

(d) If Permittee anticipates violations of the water quality objectives or if such violations have occurred, Permittee shall provide immediate written notification to the Executive Director of the State Water Board.

(e) Permittee shall evaluate the Water Quality Compliance and Baseline Monitoring once every three years to ensure that the goals of the monitoring program are attained. Permittee shall report to the Executive Director of the State Water Board the conclusions based upon this evaluation. Permittee may propose appropriate modifications of the program for concurrence of the Executive Director of the State Water Board.

19. This permit is conditioned upon implementation of the water quality objectives for agricultural beneficial uses in the southern Delta, as specified in Table 2 (see below), at the following locations in the southern Delta:

(a) San Joaquin River at Airport Way Bridge, Vernalis (Interagency Station No. C-10);

(b) San Joaquin River at Brandt Bridge (Interagency Station No. C-6);

(c) Old River near Middle River (Interagency Station No. C-8); and

(d) Old River at Tracy Road Bridge (Interagency Station No. P-12).

Permittee has latitude in its method for implementing the water quality objectives at Stations C-6, C-8, and P-12, above; however, a barrier program in the southern Delta may help to ensure that the objectives are met at these locations. If Permittee exceeds the objectives at stations C-6, C-8, or P-12, Permittee shall prepare a report for the Executive Director. The Executive Director will evaluate the report and make a recommendation to the State Water Board as to whether enforcement action is appropriate or the noncompliance is the result of actions beyond the control of the Permittee.

Permittee shall, at all times, meet the Vernalis water quality objectives for agricultural beneficial uses at Vernalis. Permittee may meet these objectives through flows or other measures. Permittee shall develop a program under which it will meet these objectives consistently. Permittee shall conduct modeling and planning studies to evaluate the effectiveness of its program to meet the Vernalis water quality objectives. If, within five years, Permittee has not developed a program under which it will consistently achieve the Vernalis objectives, Permittee shall report to the Executive Director of the State Water Board all actions it has taken in attempting to meet the objectives, including drainage and management alternatives. The

Executive Director of the State Water Board will evaluate the report and will decide whether further action should be taken by the State Water Board to ensure that the objectives are met.

Permittee shall report any expected noncompliance as soon as possible. The report of actions taken shall be submitted within three months following the period in which the requirements are not met.

This condition does not mandate that the Permittee use water under this permit to meet this condition if it uses other sources of water or other means to meet this condition.

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TABLE 1
WATER QUALITY OBJECTIVES FOR MUNICIPAL AND INDUSTRIAL BENEFICIAL USES

COMPLIANCE LOCATION	INTERAGENCY STATION NUMBER (RKI [1])	PARAMETER	DESCRIPTION (UNIT)	WATER YEAR TYPE [2]	TIME PERIOD	VALUE
Contra Costa Canal at Pumping Plant #1 -or- San Joaquin River at Antioch Water Works Intake	C-5 (CHCCC06) D-12 (near) (RSAN007)	Chloride (Cl^-)	Maximum mean daily 150 mg/l Cl^- for at least the number of days shown during the Calendar Year. Must be provided in intervals of not less than two weeks duration. (Percentage of Calendar Year shown in parenthesis)	W AN BN D C		No. of days each Calendar Year < 150 mg/l Cl^- 240 (66%) 190 (52%) 175 (48%) 165 (45% 155 (42%)
Contra Costa Canal at Pumping Plant #1 -and- West Canal at mouth of Clifton Court Forebay -and- Delta-Mendota Canal at Tracy Pumping Plant -and- Barker Slough at North Bay Aqueduct Intake -and- Cache Slough at City of Vallejo Intake [3]	C-5 (CHCCC06) C-9 (CHWST0) DMC-1 (CHDMC004) ---- (SLSAR3) C-19 (SLCCH16)	Chloride (Cl^-)	Maximum mean daily (mg/l)	All	Oct-Sep	250

[1] River Kilometer Index station number.
[2] The Sacramento Valley 40-30-30 water year hydrologic classification index (see Figure 1) applies for determinations of water year type.
[3] The Cache Slough objective to be effective only when water is being diverted from this location.

TABLE 2
WATER QUALITY OBJECTIVES FOR AGRICULTURAL BENEFICIAL USES

COMPLIANCE LOCATION	INTERAGENCY STATION NUMBER (RKI [1])	PARAMETER	DESCRIPTION (UNIT) [2]	WATER YEAR TYPE [3]	TIME PERIOD	VALUE
WESTERN DELTA						
Sacramento River at Emmaton	*D-22 (RSAC092)*	*Electrical Conductivity (EC)*	*Maximum 14-day running average of mean daily EC (mmhos/cm)*		*0.45 EC April 1 to date shown*	*EC from date shown to Aug 15 [4]*
				W	*Aug 15*	*----*
				AN	*Jul 1*	*0.63*
				BN	*Jun 20*	*1.14*
				D	*Jun 15*	*1.67*
				C	*----*	*2.78*
San Joaquin River at Jersey Point	*D-15\ (RSAN018)*	*Electrical Conductivity (EC)*	*Maximum 14-day running average of mean daily EC (mmhos/cm)*		*0.45 EC April 1 to date shown*	*EC from date shown to Aug 15 [4]*
				W	*Aug 15*	*----*
				AN	*Aug 15*	*----*
				BN	*Jun 20*	*0.74*
				D	*Jun 15*	*1.35*
				C	*----*	*2.20*
INTERIOR DELTA						
South Fork Mokelumne River at Terminous	*C-13 (RSMKL08)*	*Electrical Conductivity (EC)*	*Maximum 14-day running average of mean daily EC (mmhos/cm)*		*0.45 EC April 1 to date shown*	*EC from date shown to Aug 15 [4]*
				W	*Aug 15*	*----*
				AN	*Aug 15*	*----*
				BN	*Aug 15*	*----*
				D	*Aug 15*	*----*
				C	*----*	*0.54*
San Joaquin River at San Andreas Landing	*C-4 (RSAN032)*	*Electrical Conductivity (EC)*	*Maximum 14-day running average of mean daily EC (mmhos/cm)*		*0.45 EC April 1 to date shown*	*EC from date shown to Aug 15 [4]*
				W	*Aug 15*	*----*
				AN	*Aug 15*	*----*
				BN	*Aug 15*	*----*
				D	*Jun 25*	*0.58*
				C	*----*	*0.87*
SOUTHERN DELTA						
San Joaquin River at Airport Way Bridge, Vernalis ***-and-*** *San Joaquin River at Brandt Bridge site[5]* ***-and-*** *Old River near Middle River [5]* ***-and-*** *Old River at Tracy Road Bridge [5]*	*C-10 (RSAN112)* *C-6 (RSAN073)* *C-8 (ROLD69)* *P-12 (ROLD59)*	*Electrical Conductivity (EC)*	*Maximum 30-day running average of mean daily EC (mmhos/cm)*	*All*	*Apr-Aug* *Sep-Mar*	*0.7* *1.0*
EXPORT AREA						
West Canal at mouth of Clifton Court Forebay ***-and-*** *Delta-Mendota Canal at Tracy Pumping Plant*	*C-9 (CHWST0)* *DMC-1 (CHDMC004)*	*Electrical Conductivity (EC)*	*Maximum monthly average of mean daily EC (mmhos/cm)*	*All*	*Oct-Sep*	*1.0*

[1] River Kilometer Index station number.

[2] Determination of compliance with an objective expressed as a running average begins on the last day of the averaging period. The averaging period commences with the first day of the time period for the applicable objective. If the objective is not met on the last day of the averaging period, all days in the averaging period are considered out of compliance.

[3] The Sacramento Valley 40-30-30 water year hydrologic classification index (see Figure 1) applies for determinations of water year type.

[4] When no date is shown, EC limit continues from April 1.

[5] The 0.7 EC objective becomes effective on April 1, 2005. The DWR and the USBR shall meet 1.0 EC at these stations year round until April 1, 2005. The 0.7 EC objective is replaced by the 1.0 EC objective from April through August after April 1, 2005 if permanent barriers are constructed, or equivalent measures are implemented, in the southern Delta and an operations plan that reasonably protects southern Delta agriculture is prepared by the DWR and the USBR and approved by the Executive Director of the SWRCB. The SWRCB will review the salinity objectives for the southern Delta in the next review of the Bay-Delta objectives following construction of the barriers.

TABLE 3
WATER QUALITY OBJECTIVES FOR FISH AND WILDLIFE BENEFICIAL USES

COMPLIANCE LOCATION	INTERAGENCY STATION NUMBER (RKI [1])	PARAMETER	DESCRIPTION (UNIT) [2]	WATER YEAR TYPE [3]	TIME PERIOD	VALUE
SAN JOAQUIN RIVER SALINITY						
San Joaquin River at and between Jersey Point and Prisoners Point [4]	*D-15 (RSAN018) -and- D-29 (RSAN038)*	*Electrical Conductivity (EC)*	*Maximum 14-day running average of mean daily EC(mmhos/cm)*	*W,AN,BN,D*	*Apr-May*	*0.44 [5]*
EASTERN SUISUN MARSH SALINITY						
Sacramento River at Collinsville -and- Montezuma Slought at National Steel -and- Montezuma Slough near Beldon Landing	*C-2 (RSAC081) S-64 (SLMZU25) S-49 (SLMZU11)*	*Electrical Conductivity (EC)*	*Maximum monthly average of both daily high tide EC values (mmhos/cm), or demonstrate that equivalent or better protection will be provided at the location*	*All*	*Oct Nov-Dec Jan Feb-Mar Apr-May*	*19.0 15.5 12.5 8.0 11.0*
WESTERN SUISUN MARSH SALINITY						
Chadbourne Slough at Sunrise Duck Club -and- Suisun Slough, 300 feet south of Volanti Slough	*S-21 (SLCBN1) S-42 (SLSUS12)*	*Electrical Conductivity (EC)*	*Maximum monthly average of both daily high tide EC values (mmhos/cm), or demonstrate that equivalent or better protection will be provided at the location*	*All but deficiency period [6]*	*Oct Nov Dec Jan Feb-Mar Apr-May*	*19.0 16.5 15.5 12.5 8.0 11.0*
				Deficiency Period [6]	*Oct Nov Dec-Mar Apr May*	*19.0 16.5 15.6 14.0 12.5*

TABLE 3 (continued)
WATER QUALITY OBJECTIVES FOR FISH AND WILDLIFE BENEFICIAL USES

COMPLIANCE LOCATION	INTERAGENCY STATION NUMBER(RKI 1[])	PARAMETER	DESCRIPTION (UNIT) [2]	WATER YEAR TYPE [3]	TIME PERIOD	VALUE
DELTA OUTFLOW						
		Net Delta Outflow Index (NDOI) [7]	*Minimum monthly average [8] NDOI (cfs)*	*All*	*Jan*	*4,500 [9]*
				All	*Feb-Jun*	*[10]*
				W,AN	*Jul*	*8,000*
				BN		*6,500*
				D		*5,000*
				C		*4,000*
				W,AN,BN	*Aug*	*4,000*
				D		*3,500*
				C		*3,000*
				All	*Sep*	*3,000*
				W,AN,BN,D	*Oct*	*4,000*
				C		*3,000*
				W,AN,BN,D	*Nov-Dec*	*4,500*
				C		*3,500*
RIVER FLOWS						
Sacramento River at Rio Vista	*D-24 (RSAC101)*	*Flow rate*	*Minimum monthly average [11] flow rate (cfs)*	*All*	*Sep*	*3,000*
				W,AN,BN,D	*Oct*	*4,000*
				C		*3,000*
				W,AN,BN,D	*Nove-Dec*	*4,500*
				C		*3,500*
San Joaquin River at Airport Way Bridge, Vernalis	*C-10 (RSAN112)*	*Flow rate*	*Minimum monthly average [12] flow rate (cfs) [13]*	*W,AN*	*Feb-Apr 14*	*2,130 or 3,420*
				BN,D	*and*	*1,420 or 2,280*
				C	*May 16-Jun*	*710 or 1,140*
				W	*Apr 15-*	*7,330 or 8,620*
				AN	*May 15 [14]*	*5,730 or 7,020*
				BN		*4,620 or 5,480*
				D		*4,020 or 4,880*
				C		*3,110 or 3,540*
				All	*Oct*	*1,000 [15]*
EXPORT LIMITS						
		Combined export rate [16]	*Maximum 3-day running average (cfs)*	*All*	*Apr 15- May 15 [17]*	*[18]*
			Maximum percent of Delta inflow diverted [19] [20]	*All*	*Feb-Jun*	*35% Delta inflow [21]*
				All	*Jul-Jan*	*65% Delta inflow*
DELTA CROSS CHANNEL GATES CLOSURE						
Delta Cross Channel at Walnut Grove	—	*Closure of gates*	*Closed gates*	*All*	*Nov-Jan*	*[22]*
					Feb-May 20	*---*
					May 21- Jun 15	*[23]*

Table 3 Footnotes

[1] River Kilometer Index station number.

[2] Determination of compliance with an objective expressed as a running average begins on the last day of the averaging period. The averaging period commences with the first day of the time period of the applicable objective. If the objective is not met on the last day of the averaging period, all days in the averaging period are considered out of compliance.

[3] The Sacramento Valley 40-30-30 Water Year Hydrologic Classification Index (see Figure 1) applies unless otherwise specified.

[4] Compliance will be determined at Jersey Point (station D15) and Prisoners Point (station D29).

[5] This standard does not apply in May when the best available May estimate of the Sacramento River Index for the water year is less than 8.1 MAF at the 90% exceedance level. [Note: The Sacramento River Index refers to the sum of the unimpaired runoff in the water year as published in the DWR Bulletin 120 for the following locations: Sacramento River above Bend Bridge, near Red Bluff; Feather River, total unimpaired inflow to Oroville Reservoir; Yuba River at Smartville; and American River, total unimpaired inflow to Folsom Reservoir.]

[6] A deficiency period is: (1) the second consecutive dry water year following a critical year; (2) a dry water year following a year in which the Sacramento River Index (described in footnote 5) was less than 11.35 MAF; or (3) a critical water year following a dry or critical water year. The determination of a deficiency period is made using the prior year's final Water Year Type determination and a forecast of the current year's Water Year Type; and remains in effect until a subsequent water year is other than a Dry or Critical water year as announced on May 31 by DWR and USBR as the final water year determination.

[7] Net Delta Outflow Index (NDOI) is defined in Figure 3.

[8] For the May-January objectives, if the value is less than or equal to 5,000 cfs, the 7-day running average shall not be less than 1,000 cfs below the value; if the value is greater than 5,000 cfs, the 7-day running average shall not be less than 80% of the value.

[9] The objective is increased to 6,000 cfs if the best available estimate of the Eight River Index for December is greater than 800 TAF. [Note: The Eight River Index refers to the sum of the unimpaired runoff as published in the DWR Bulletin 120 for the following locations: Sacramento River flow at Bend Bridge, near Red Bluff; Feather River, total inflow to Oroville Reservoir; Yuba River flow at Smartville; American River, total inflow to Folsom Reservoir; Stanislaus River, total inflow to New Melones Reservoir; Tuolumne River, total inflow to Don Pedro Reservoir; Merced River, total inflow to Exchequer Reservoir; and San Joaquin River, total inflow to Millerton Lake.]

[10] The minimum daily net Delta outflow shall be 7,100 cfs for this period, calculated as a 3-day running average. This requirement is also met if either the daily average or 14-day running average EC at the confluence of the Sacramento and the San Joaquin rivers is less than or equal to 2.64 mmhos/cm (Collinsville station C2). If the best available estimate of the Eight River Index (described in footnote 9) for January is more than 900 TAF, the daily average or 14-day running average EC at station C2 shall be less than or equal to 2.64 mmhos/cm for at least one day between February 1 and February 14; however, if the best available estimate of the Eight River Index for January is between 650 TAF and 900 TAF, the Executive Director of the SWRCB is delegated authority to decide whether this requirement applies. If the best available estimate of the Eight River Index for February is less than 500 TAF, the standard may be further relaxed in March upon the request of the DWR and the USBR, subject to the approval of the Executive Director of the SWRCB. The standard does not apply in May and June if the best available May estimate of the Sacramento River Index (described in footnote 5) for the water year is less than 8.1 MAF at the 90% exceedence level. Under this circumstance, a minimum 14-day running average flow of 4,000 cfs is required in May and June. Additional Delta outflow objectives are contained in Table 4.

[11] The 7-day running average shall not be less than 1,000 cfs below the monthly objective.

[12] Partial months are averaged for that period. For example, the flow rate for April 1-14 would be averaged over 14 days. The 7-day running average shall not be less than 20% below the flow rate objective, with the exception of the April 15-May 15 pulse flow period when this restriction does not apply.

[13] The water year classification for the San Joaquin River flow objectives will be established using the best available estimate of the 60-20-20 San Joaquin Valley Water Year Hydrologic Classification (see Figure 2) at the 75% exceedence level. The higher flow objective applies when the 2-ppt isohaline (measured as 2.64 mmhos/cm surface salinity) is required to be at or west of Chipps Island.

[14] This time period may be varied based on real-time monitoring. One pulse, or two separate pulses of combined duration equal to the single pulse, should be scheduled to coincide with fish migration in San Joaquin River tributaries and the Delta. The USBR will schedule the time period of the pulse or pulses in consultation with the USFWS, the NMFS, and the DFG. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy the consultation requirement. The schedule is subject to the approval of the Executive Director of the SWRCB.

[15] Plus up to an additional 28 TAF pulse/attraction flow during all water year types. The amount of additional water will be limited to that amount necessary to provide a monthly average flow of 2,000 cfs. The additional 28 TAF is not required in a critical year following a critical year. The pulse flow will be scheduled by the DWR and the USBR in consultation with the USFWS, the NMFS and the DFG. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy the consultation requirement.

[16] Combined export rate for this objective is defined as the Clifton Court Forebay inflow rate (minus actual Byron-Bethany Irrigation District diversions from Clifton Court Forebay) and the export rate of the Tracy pumping plant.

[17] This time period may be varied based on real-time monitoring and will coincide with the San Joaquin River pulse flow described in footnote 18. The DWR and the USBR, in consultation with the USFWS, the NMFS and the DFG, will determine the time period for this 31-day export limit. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy the consultation requirement.

[18] Maximum export rate is 1,500 cfs or 100% of 3-day running average of San Joaquin River flow at Vernalis, whichever is greater. Variations to this maximum export rate may be authorized if agreed to by the USFWS, the NMFS and the DFG. This flexibility is intended to result in no net water supply cost annually within the limits of the water quality and operational requirements of this plan. Variations may result from recommendations of agencies for protection of fish resources, including actions taken pursuant to the State and federal Endangered Species Act. Any variations will be effective immediately upon notice to the Executive Director of the SWRCB. If the Executive Director of the SWRCB does not object to the variations within 10 days, the variations will remain in effect. The Executive Director of the SWRCB is also authorized to grant short-term exemptions to export limits for the purpose of facilitating a study of the feasibility of recirculating export water into the San Joaquin River to meet flow objectives.

[19] Percent of Delta inflow diverted is defined in Figure 3. For the calculation of maximum percent Delta inflow diverted, the export rate is a 3-day running average and the Delta inflow is a 14-day running average, except when the CVP or the SWP is making storage withdrawals for export, in which case both the export rate and the Delta inflow are 3-day running averages.

[20] The percent Delta inflow diverted values can be varied either up or down. Variations are authorized subject to the process described in footnote 18.

[21] If the best available estimate of the Eight River Index (described in footnote 9) for January is less than or equal to 1.0 MAF, the export limit for February is 45% of Delta inflow. If the best available estimate of the Eight River Index for January is greater than 1.5 MAF, the February export limit is 35% of Delta inflow. If the best available estimate of the Eight River Index for January is between 1.0 MAF and 1.5 MAF, the DWR and the USBR will set the export limit for February within the range of 35% to 45%, after consultation with the USFWS, the NMFS and the DFG. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy the consultation requirement.

[22] For the November-January period, close Delta Cross Channel gates for a total of up to 45 days. The USBR will determine the timing and duration of the gate closure after consultation with the USFWS, the NMFS and the DFG. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy the consultation requirement.

[23] For the May 21-June 15 period, close Delta Cross Channel gates for a total of 14 days. The USBR will determine the timing and duration of the gate closure after consultation with the USFWS, the NMFS and the DFG. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy the consultation requirement.

Figure 1
Sacramento Valley
Water Year Hydrologic Classification

Year classification shall be determined by computation of the following equation:

$$\textbf{INDEX} = 0.4 * X + 0.3 * Y + 0.3 * Z$$

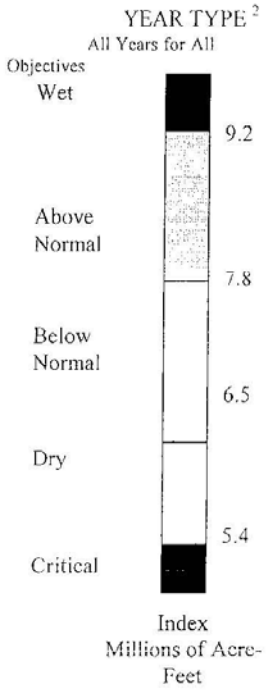
Where: X = Current year's April – July Sacramento Valley unimpaired runoff

Y = Current October – March Sacramento Valley unimpaired runoff

Z = Previous year's index[1]

The Sacramento Valley unimpaired runoff for the current water year (October 1 of the preceding calendar year through September 30 of the current calendar year), as published in California Department of Water Resources Bulletin 120, is a forecast of the sum of the following locations: Sacramento River above Bend Bridge, near Red Bluff; Feather River, total inflow to Oroville Reservoir; Yuba River at Smartville; American River, total inflow to Folsom Reservoir. Preliminary determinations of year classification shall be made in February, March, and April with final determination in May. These preliminary determinations shall be based on hydrologic conditions to date plus forecasts of future runoff assuming normal precipitation for the remainder of the water year.

	Index
Classification	**Millions of Acre-Feet (MAF)**
Wet.....	Equal to or greater than 9.2
Above Normal.....	Greater than 7.8 and less than 9.2
Below Normal.....	Equal to or less than 7.8 and greater than 6.5
Dry.....	Equal to or less than 6.5 and greater than 5.4
Critical.....	Equal to or less than 5.4



[1] A cap of 10.0 MAF is put on the previous year's index (Z) to account for required flood control reservoir releases during wet years.

[2] The year type for the preceding water year will remain in effect until the initial forecast of unimpaired runoff for the current water year is available.

Figure 2
San Joaquin Valley
Water Year Hydrologic Classification

Year classification shall be determined by computation of the following equation:

INDEX = 0.6 * X + 0.2 * Y + 0.2 * Z

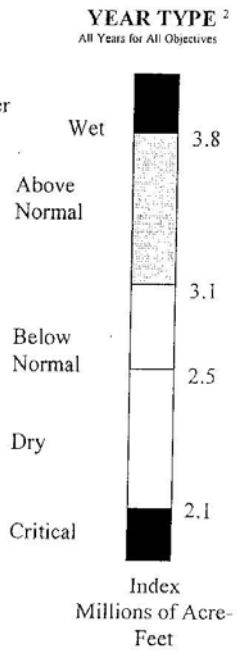
Where: X = Current year's April – July
San Joaquin Valley unimpaired runoff

Y = Current October – March
San Joaquin Valley unimpaired runoff

Z = Previous year's index[1]

The San Joaquin Valley unimpaired runoff for the current water year (October 1 of the preceding calendar year through September 30 of the current calendar year), as published in California Department of Water Resources Bulletin 120, is a forecast of the sum of the following locations: Stanislaus River, total flow to New Melones Reservoir; Tuolumne River, total inflow to Don Pedro Reservoir; Merced River, total flow to Exchequer Reservoir; San Joaquin River, total inflow to Millerton Lake. Preliminary determinations of year classification shall be made in February, March, and April with final determination in May. These preliminary determinations shall be based on hydrologic conditions to date plus forecasts of future runoff assuming normal precipitation for the remainder of the water year.

Classification	Index Millions of Acre-Feet (MAF)
Wet.....	Equal to or greater than 3.8
Above Normal.....	Greater than 3.1 and less than 3.8
Below Normal.....	Equal to or less than 3.1 and greater than 2.5
Dry.....	Equal to or less than 2.5 and greater than 2.1
Critical.....	Equal to or less than 2.1



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[1] A cap of 4.5 MAF is put on the previous year's index (Z) to account for required flood control reservoir releases during wet years.

[2] The year type for the preceding water year will remain in effect until the initial forecast of unimpaired runoff for the current water year is available.

Figure 2
San Joaquin Valley
Water Year Hydrologic Classification

Year classification shall be determined by computation of the following equation:

INDEX = 0.6 * X + 0.2 * Y + 0.2 * Z

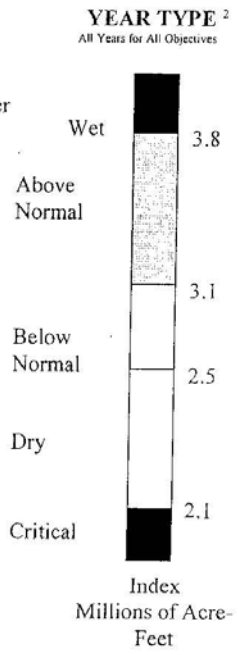
Where: X = Current year's April – July
San Joaquin Valley unimpaired runoff

Y = Current October – March
San Joaquin Valley unimpaired runoff

Z = Previous year's index[1]

The San Joaquin Valley unimpaired runoff for the current water year (October 1 of the preceding calendar year through September 30 of the current calendar year), as published in California Department of Water Resources Bulletin 120, is a forecast of the sum of the following locations: Stanislaus River, total flow to New Melones Reservoir; Tuolumne River, total inflow to Don Pedro Reservoir; Merced River, total flow to Exchequer Reservoir; San Joaquin River, total inflow to Millerton Lake. Preliminary determinations of year classification shall be made in February, March, and April with final determination in May. These preliminary determinations shall be based on hydrologic conditions to date plus forecasts of future runoff assuming normal precipitation for the remainder of the water year.

Classification	Index Millions of Acre-Feet (MAF)
Wet.....	Equal to or greater than 3.8
Above Normal.....	Greater than 3.1 and less than 3.8
Below Normal.....	Equal to or less than 3.1 and greater than 2.5
Dry.....	Equal to or less than 2.5 and greater than 2.1
Critical.....	Equal to or less than 2.1



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[1] A cap of 4.5 MAF is put on the previous year's index (Z) to account for required flood control reservoir releases during wet years.

[2] The year type for the preceding water year will remain in effect until the initial forecast of unimpaired runoff for the current water year is available.

Figure 3

NDOI and PERCENT INFLOW DIVERTED [1]

The NDOI and the percent inflow diverted, as described in this footnote, shall be computed daily by the DWR and the USBR using the following formulas (all flows are in cfs):

NDOI = DELTA INFLOW - NET DELTA CONSUMPTIVE USE - DELTA EXPORTS

PERCENT INFLOW DIVERTED = (CCF + TPP) ÷ DELTA INFLOW

where *DELTA INFLOW = SAC + SRTP + YOLO + EAST + MISC + SJR*

SAC	=	Sacramento River at Freeport mean daily flow for the previous day; the 25-hour tidal cycle measurements from 12:00 midnight to 1:00 a.m. may be used instead.
SRTP	=	Sacramento Regional Treatment Plant average daily discharge for the previous week.
YOLO	=	Yolo Bypass mean daily flow for the previous day, which is equal to the flows from the Sacramento Weir, Fremont Weir, Cache Creek at Rumsey, and the South Fork of Putah Creek.
EAST	=	Eastside Streams mean daily flow for the previous day from the Mokelumne River at Woodbridge, Cosumnes River at Michigan Bar, and Calaveras River at Bellota.
MISC	=	Combined mean daily flow for the previous day of Bear Creek, Dry Creek, Stockton Diverting Canal, French Camp Slough, Marsh Creek, and Morrison Creek.
SJR	=	San Joaquin River flow at Vernalis, mean daily flow for the previous day.

where *NET DELTA CONSUMPTIVE USE = GDEPL - PREC*

GDEPL	=	Delta gross channel depletion for the previous day based on water year type using the DWR's latest Delta land use study.[2]
PREC	=	Real-time Delta precipitation runoff for the previous day estimated from stations within the Delta.

and where *DELTA EXPORTS*[3] *= CCF + TPP + CCC + NBA*

CCF	=	Clifton Court Forebay inflow for the current day.[4]
TPP	=	Tracy Pumping Plant pumping for the current day.
CCC	=	Contra Costa Canal pumping for the current day.
NBA	=	North Bay Aqueduct pumping for the current day.

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1 Not all of the Delta tributary streams are gaged and telemetered. When appropriate, other methods of estimating streamflows, such as correlations with precipitation or runoff from nearby streams, may be used instead.

2 The DWR is currently developing new channel depletion estimates. If these new estimates are not available, DAYFLOW channel depletion estimates shall be used.

3 The term "Delta Exports" is used only to calculate the NDOI. It is not intended to distinguish among the listed diversions with respect to eligibility for protection under the area of origin provisions of the California Water Code.

4 Actual Byron-Bethany Irrigation District withdrawals from Clifton Court Forebay shall be subtracted from Clifton Court Forebay inflow. (Byron-Bethany Irrigation District water use is incorporated into the GDEPL term.)

Table 4

Number of Days When Maximum Daily Average Electrical Conductivity of 2.64 mmhos/cm Must Be Maintained at Specified Location [a]

PMI [b]	Chipps Island (Chipps Island Station D10)					PMI [b]	Port Chicago (Port Chicago Station C14) [d]					PMI [b]	Port Chicago (Port Chicago Station C14) [d]				
(TAF)	FEB	MAR	APR	MAY	JUN	(TAF)	FEB	MAR	APR	MAY	JUN	(TAF)	FEB	MAR	APR	MAY	JUN
≤ 500	0	0	0	0	0	0	0	0	0	0	0	5250	27	29	25	26	6
750	0	0	0	0	0	250	1	0	0	0	0	5500	27	29	26	28	9
1000	28 [c]	12	2	0	0	500	4	1	0	0	0	5750	27	29	27	28	13
1250	28	31	6	0	0	750	8	2	0	0	0	6000	27	29	27	29	15
1500	28	31	13	0	0	1000	12	4	0	0	0	6250	27	30	27	29	19
1750	28	31	20	0	0	1250	15	6	1	0	0	6500	27	30	28	30	22
2000	28	31	25	1	0	1500	18	9	1	0	0	6750	27	30	28	30	24
2250	28	31	27	3	0	1750	20	12	2	0	0	7000	27	30	28	30	26
2500	28	31	29	11	1	2000	21	15	4	0	0	7250	27	30	28	30	27
2750	28	31	29	20	2	2250	22	17	5	1	0	7500	27	30	29	30	28
3000	28	31	30	27	4	2500	23	19	8	1	0	7750	27	30	29	31	28
3250	28	31	30	29	8	2750	24	21	10	2	0	8000	27	30	29	31	29
3500	28	31	30	30	13	3000	25	23	12	4	0	8250	28	30	29	31	29
3750	28	31	30	31	18	3250	25	24	14	6	0	8500	28	30	29	31	29
4000	28	31	30	31	23	3500	25	25	15	9	0	8750	28	30	29	31	30
4250	28	31	30	31	25	3750	26	26	18	12	0	9000	28	30	29	31	30
4500	28	31	30	31	27	4000	26	27	20	15	0	9250	28	30	29	31	30
4750	28	31	30	31	28	4250	26	27	21	18	1	9500	28	31	29	31	30
5000	28	31	30	31	29	4500	26	28	23	21	2	9750	28	31	29	31	30
5250	28	31	30	31	29	4750	27	28	24	23	3	10000	28	31	30	31	30
≥5500	28	31	30	31	30	5000	27	28	25	25	4	≥10000	28	31	30	31	30

[a] The requirement for number of days the maximum daily average electrical conductivity (EC) of 2.64 mmhos per centimeter (mmhos/cm) must be maintained at Chipps Island and Port Chicago can also be met with maximum 14-day running average EC of 2.64 mmhos/cm, or 3-day running average NDOI of 11,400 cfs and 29,200 cfs, respectively. If salinity flow objectives are met for a greater number of days than the

by linear interpolation.

[b] PMI is the best available estimate of the previous month's Eight River Index. (Refer to Footnote 9 for Table 3 for a description of the Eight River Index.)

[c] When the PMI is between 500 TAF and 1000 TAF, the number of days the maximum daily average EC of 2.64 mmhos/cm (or maximum 14-day running average EC of 2.64 mmhos/cm, or 3-day running average NDOI of 11,400 cfs) must be maintained at Chipps Island in February is determined by linear interpolation between 0 and 28 days.

[d] This standard applies only in months when the average EC at Port Chicago during the 14 days immediately prior to the first day of the month is less than or equal to 2.64 mmhos/cm.

20. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at permittee's expense have the subject map(s) updated or replaced with equivalent as-built map(s). The revised or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revised or new map(s) shall be furnished upon request of the Chief, Division of Water Rights.

(0000030)

21. Before making any change in the project determined by the State Water Resources Control Board to be substantial, Permittee shall submit such change to the Board for its approval in compliance with Water Code section 10504.5(a).

22. Water service to the lands in Fresno County shown on Map No. 1785-202-14 is authorized only for those lands served pursuant to a Class 1 water supply contract between Permittee and the entity delivering water to the lands or pursuant to transfer agreements or exchange agreements that ensure that no more water is delivered from the Friant Project to the areas within the place of use under Permit 11887 as a result of this petition than would have been delivered in the absence of this order. This permit does not authorize deliveries of water to these lands until all necessary transfer or exchange agreements are executed and have received the necessary approval from Reclamation pursuant to the terms and conditions of the Friant Division Central Valley Project water service contracts. Permittee shall provide to the Division of Water Rights copies of any transfer or exchange agreements when Permittee files each Progress Report. Permittee shall maintain records of water delivered to Fresno County from the Friant Project as a result of these agreements and under this approval and shall provide those records to the State Water Board at the request of the State Water Board. Records shall be maintained at least until a license is issued for Permit 11877.

(0000119)

STANDARD TERMS AND CONDITIONS

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

B. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board (State Water Board) until a license is issued.

(0000010)

C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which

may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

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Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

Victoria A. Whitney

Victoria A. Whitney, Chief
Division of Water Rights

Dated: JAN 25 2007

Appendix A
JPJ Conservation Easement Management and Monitoring Plan

Appendix B
Millerton Specific Plan Mitigation Measures and Monitoring Matrix

Appendix C
Mitigation and Monitoring Plan Tract 4870 Millerton Specific Plan Area Fresno County, California

Appendix D
California Stormwater Quality Association

Extended Detention Basin Treatment Control BMP Specifications

Appendix E
U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance